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Message Text

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22
ACTION ARA-10

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EO 11652 NA
TAGS: POINT PINS, VE
SUBJ: STANDING COMMITTEE OF CONGRESS VOTES TO LIFT
PARLIAMENTARY IMMUNITY OF TWO DEPUTIES
REF: CARACAS 10344

1. FOLLOWING A THREE AND A HALF HOUR DEBATE AUG 27, THE STANDING COMMITTEE OF THE CONGRESS VOTED TO LIFT THE PARLIAMENTARY IMMUNITY OF DEPUTIES SALOM MESA ESPINOZA AND FORTUNATO HERRERA. IT THEREFORE OFFICIALLY DETERMINED THAT THERE WAS SUFFICIENT EVIDENCE TO BRING

THEM TO TRIAL BY THE THIRD MILITARY COURT. THE COMMITTEE VOTED 12-11 IN FAVOR OF LIFTING THE IMMUNITY OF MESA, WIT THE AD MAJORITY CARRYING THE DAY AGAINST THE ELEVEN VOTES OF REPRESENTATIVES OF ALL THE OPPOSITION PARTIES. THE COMMITTEE VOTED 20(12FROM AD, 7 FROM COPEI, AND 1 FROM THE URD-CCN) TO 3(1FROM MEP-PCV, 1 FROM MAS, AND 1 FROM FDP-INDEPENDENTS) IN FAVOR OF LIFTING HERRERA'S IMMUNITY. VOTING WERE THE 21 MEMBERS OF THE COMMITTEE, PLUS THE VOTES OF CONGRESS PRESDIENT GONZALO BARRIOS OF AD AND VICE PRESIDENT OSWALDO ALVAREZ PAZ OF COPEI.

2. SPEAKING IN FAVOR OF THE LIFTING OF IMMUNITY AGAINST BOTH DEPUTIES, BARRIOS ADMITTED THAT THE CASE WAS BOTH DELICATE AND
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CONTROVERSIAL. HE REITERATED AD'S VIEW THAT THE SUPREME COURTSJS

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DECISION TO REQUEST THE COMMITTEE TO CONSIDER THE LIFTING OF IMMUNITY WAS BENEFICIAL TO VENEZUELA'S DEMOCRATIC SYSTEM. HE ADDED THAT THE COURT'S DECISON WAS A JUDICIAL ONE, BUT THAT THE COURT DID NOT DECIDE THE GUILT OF THE DEPUTIES, MERELY THAT THERE IS SUFFICIENT EVIDENCE TO JUDGE THEM. IMMUNITY SHOULD BELIFTED SO THAT THIS DELICTE SITUATION CAN BE CLEARED UP COMPLETELY. COPEI FLOOR LEADER EDUARDO FERNANDEZ, SPEAKING FOR HIS PARTY, DEPLORED PRESIDENT PEREZ' SPEECH EARLIER THE DAME DAY(SEE REF) IN WHICH HE ATTACKED COPEI. HE SAID THAT THE DECISIO OF THE STANDING COMIITTEE WOULD BE A "POLICITCAL ONE" SINCE THE "JUDICIAL DECISION" BELONGED SOELY TO THE SUPREME COURT. FERNANZEZ ENDED BY NOTING THAT COPEI WOULD FOLLOW THE JUDICIAL LEAD SET BY THE SUPREME COURT IN ITS
UNANIMOUS DECISON AGAINST HERRERA AND WOULD SUPPORT THE LIFTING OF HIS IMMUNITY. HOWEVER, COPEI COULD NOT VOTE IN FAVOR OF LIFTING MESA'S IMMUNITY BECAUSE "THERE IS NOT SUFFICIENT EVIDENCE TO REQUIRE THAT THE DEPUTY BE TRIED." THE MEP-PCV REP ON THE STANDING COMMITTEE, SIUBERTO MARTINEZ, SAID THAT THE EVIDENCE PRESENTE BY THE SUPREME COURT AGAINST MESA BY BUSINESSMAN EMILIO CONDE JAHN OFFERED NO REAL PROOF OF HIS INVOLVEMENT IN THE NIEHOUS CASE. HE ALSO ASSERTED THAT TERRY CANAVEN, WHOSE TESTIMONY WAS ALSO SUBMITTED TO THE COURT IN REGARD TO MESA'S INVOLVEMENT, WAS A "CIA AGENT" AND HIS EVIDENCE WAS THEREFORE WITHOUT MERIT. MAS DEPUTY FREDDY MUNOZ CASTIGATED THE GOV FOR GOING BACK ON ITS WORD THAT THE DEPUTIES WOULD BE TRIED BY CIVILIAN COURTS AND SAID THAT THE GOV'S MANEUVERS CONSTITUTE NOTHING MORE THAN A POLITICAL GAME. SIMILARLY, ANGEL BRITO VILLARROEL(URD-CCN) SAID THERE WAS SUFFICIENT EVIDENCE PRESENTED BY THE COURT TO TRY HERRERA, BUT INSUFFICIENT EVIDENCE TO CONVINCE HIM TO VOTE IN FAVOR OF LIFTING MESA'S IMMUNITY.

3. FORTUNATO HERRERA TOLD THE PRESS AUG 26 THAT HE WAS A SCAPEGOAT FOR THE GOV, AND THAT URD PRESIDEN JOVITO VILLALBA FAVORED HIS TRIAL BECAUSE HE HAD LEFT THE URD TO BECOME AN INDEPENDENT.SALOM MESA, FOR HIS PART, CLAIMED HE WAS A "PRISONER OF THE PRESIDENT OF THE REPUBLIC" AND THAT THE SUPREME COURT'S DECISION WAS UNDER POLITICAL PRESSURE. (BOTH OF THESE INTERVIEWS TOOK PLACE PRIOR TO THE STANDING COMMITTEE'S DECISON.)

4. ON A SEPARATE BUT RELATED SUBJECT, BOTH SUPREME COURT
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PRESIDENT MARTIN PEREZ GUEVARA AND FISCAL GENERAL JOSE RAMON MEDINA AGREED THAT THE DECISION OF THE COURT CONSITUTES A DEFINITE LEGAL STANDARD FOR JUDGING LEGISLATORS INVOLVED IN POLITICAL AND MILITARY CRIMES.

5. COMMENT: AS IN THE DECISION BY THE SUPREME COURT, THE STANDING COMMITTEE DIVIDED DIVIDED ALONG PARTY LINES IN VOTING FOR THE

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LIFTING OF THE IMMUNITY OF THE TWO DEPUTIES. COPEI BACKED THE GOV CONCERNING HERRERA'S CASE, BUT DID NOT BELIEVE THAT THE CASE AGAINST MESA WAS SUFFICIENTLY STRONG TO MERIT HIS TRIAL. CLEARLY, AD WOULD HVE PREFERRED TO OBTAIN COPEYANO SUPPORT IN THE VOTE AGAINST MESA WHOM THE AD LEADERSIP BELIEVES IS HEAVILY INVOLVED IN THE NIEHOUS CASE, BUT THIS WAS NOT TO BE.

6. WE WILL BE COMMENTING FURTHER ON THE IMPLICATIONS OF THE CASE AFTER WE DIGEST THE 88-PAGE COURT DECISION WHICH WAS ALSO PUBLISHED THIS MORNING. THE DECISION CONTAINS EXCERPTS OF BOTH CONDE JAHN'S AND CANAVEN'S TESTIMONY.
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